

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF OREGON**

FILED '09 NOV 17 11:00 USDC-ORE

**JEFF ANDERSON, DAN CLAY, TABATHA  
HARRIS, STEVE KONOPA, KEN SPRAY  
Union Trustees of the Oregon Retail  
Employees Pension Trust,**

Case No. CV09-6252-TC

**Plaintiffs,**

**v.**

**SCOTT POWERS, CRAIG DANIELSON,  
STEPHEN ERDMANN, DAVID JOHNS,  
CARL WOJCIECHOWSKI  
Employer Trustees of the Oregon Retail  
Employees Pension Trust,**

**Defendants.**

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**ORDER**

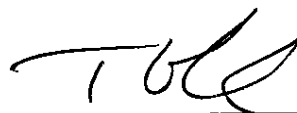
Upon consideration of the Plaintiffs' Motion for Summary Judgment and Motion to Dismiss Defendants' Counterclaim, the pleadings filed in connection with the Motions, and oral argument held on November 9, 2009, the following is ordered:

1. The deadlock by the Board of Trustees of the Oregon Retail Employees Pension Trust ("Fund") over whether to elect an extension of Green Zone status pursuant to Section 204 of the Worker, Retiree and Employer Recovery Act of 2008 ("WRERA") is referred to arbitration and this case is stayed pending the outcome of the arbitration proceedings. Included

in the scope of this referral are the issues raised by Defendants and Counterclaimants in their Counterclaim.

2. The Court is of the opinion that the Internal Revenue Service may have the ability to expeditiously advise the parties as to the validity of the filing by the Union Trustee on June 29, 2009. The parties are therefore to consider submitting a joint request to the Internal Revenue Service on this question.

SO ORDERED:



Thomas M. Coffin

Date:

11/17/09

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